

**CARROLL v. U.S.**

**U.S. Supreme Court**

**March 2, 1925**

**267 U.S. 132**

**(The Genesis of what we know today as the Carroll Doctrine or the Automobile Exception to the 4<sup>th</sup> Amendment Search Warrant Rule. With probable cause to believe seizable evidence or contraband is concealed in a vehicle capable of mobility, an officer may search that vehicle without a warrant. And that officer may search anywhere, and/or open any container, to which the probable cause extends, wherein the object of the search could logically be concealed in the vehicle.)**

Here we have the "roaring twenties", prohibition, bootleggers, a 1921 Oldsmobile Roadster with "rumble seat", federal revenue agents, the Carroll boys, the Fourth Amendment and no search warrant.

Federal prohibition agents, over a period of a few months, developed information that the Carroll boys were regularly transporting whiskey from Detroit to Grand Rapids, Michigan, a distance of 152 miles, in their fleet Oldsmobile Roadster.

(One of the many reasons I love this case is that it always reminds me of my blue 1928 Model A Ford Roadster, with rumble seat, that I owned as a freshman and sophomore at St. John High. It was an old car!)

Three months before the vehicle stop in question, George Carroll and John Kiro, an associate, had agreed to sell three cases of whiskey to an undercover agent. The sale was never consummated, but the event corroborated law enforcement's suspicions. The continuing intelligence was good, but the Carroll boys outran the law once and other surveillances could not catch them in the act.

Then one cold December evening, December 15, 1921, actually, the "feds"

spotted George Carroll and Kiro, gave chase and successfully got the Oldsmobile stopped.

There was no contraband visible in the front seat and the rumble seat was closed. An agent opened it up, but no contraband was seen. One of the agents felt the back of the seat and found it to be, "...*harder than upholstery ordinarily is in those backs.*" Being an aggressive officer, he cut open the leather back and removed 69 quarts of illegal gin and whiskey, with no consent or warrant.

George Carroll immediately said, "*Take the liquor and give us one more chance and I will make it right with you*", as he handed the officer several ten dollar bills. Just think, if those officers had accepted Carroll's bribe offer, we would not have the Carroll Doctrine today. But, they didn't and we do!

The defense said the bribe offer was a misunderstanding. (Carroll was trying to get change with which to call his lawyer, no doubt.) And they screamed illegal search and Fourth Amendment violation. Which it was, until December 15, 1921!

Emphasizing the mobility of a vehicle and the impracticality of getting a search warrant on a country road or highway, the U.S. Supreme Court, for the first time ever, held that a warrantless search of an automobile stopped by police officers, who had probable cause to believe the vehicle contained contraband, was not unreasonable under the Fourth Amendment.

*"Before a warrant could be secured the automobile would be beyond the reach of the officers with its load of illegal liquor disposed of ... That the officers, when they saw the defendants, believed that they were carrying liquor, we can have no doubt, and we think it is equally clear that they had reasonable cause for thinking so... If the facts and circumstances before the officers are such as to warrant a man of prudence and caution in believing that the offense has been committed, it is sufficient."*

The court held that the test is, if you have probable cause enough to get a

warrant, but you lack the convenience and the opportunity to get a warrant, act like you have a warrant. Search as though you had the warrant.

*"The probable-cause determination must be based on objective facts that could justify the issuance of a warrant by a magistrate and not merely on the subjective good faith of the police officers."*

**(Bottom line? For many years I have debated which U.S. Supreme Court decision has been the absolute best for law enforcement. It's either Carroll or Terry v. Ohio. Tough decision. Both have had tremendously-positive impact on police operations. I'd hate to do without either one. Let's give a gold medal to each.)**